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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91171281
Party	Plaintiff PomWonderful LLC
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Submission	Stipulated/Consent Motion to Extend
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Date	08/07/2008
Attachments	91171281 Motion to Extend with Consent.pdf (3 pages)(30968 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

PomWonderful LLC,)	
)	
Opposer,)	
)	Opposition No. 91171281
v.)	
)	
Jarrow Formulas, Inc.,)	
)	
Applicant.)	

CONSENTED MOTION FOR 60-DAY EXTENSION
OF DISCOVERY AND TRIAL DATES

Opposer, PomWonderful, LLC (“HBO”), with the consent of Applicant, Jarrow Formulas, Inc., respectfully requests that the Board extend all discovery and trial dates in this opposition proceeding for sixty (60) days while the parties continue working toward settlement. As grounds for the motion, HBO provides the following detailed information as to settlement progress:

PomWonderful, LLC made a written settlement proposal several months ago that would resolve the opposition in its entirety. Since that time, the parties have discussed settlement by phone and e-mail, however, Jarrow Formulas, Inc. has not yet responded to the proposal in writing.

On August 7, 2008, Jarrow Formulas’ counsel contacted PomWonderful’s counsel to substantively discuss Jarrow Formulas’ counterproposal to the settlement offer. PomWonderful awaits a follow up letter from Jarrow Formulas’ counsel confirming the terms of such counteroffer and is optimistic that the terms of the counterproposal will move the parties closer to resolving the proceeding.

The parties anticipate reaching a settlement that will resolve all of the issues raised in this consolidated opposition. The parties are hopeful that they can resolve these issues within the next sixty (60) days.

As such, HBO respectfully requests that the Board grant the consented motion for a 60-day extension of all discovery and trial dates as requested herein, and reset the dates as follows:

Discovery Period to Close :	10/06/2008
Thirty-day testimony period for party in position of plaintiff to close :	01/04/2009
Thirty-day testimony period for party in position of defendant to close :	03/05/2009
Fifteen-day rebuttal testimony period to close :	04/19/2009

Dated: August 7, 2008

PomWonderful, LLC

/s/ Sharon A. Ceresnie
Douglas N. Masters
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Attorneys for Opposer

CERTIFICATE OF SERVICE

The undersigned, Sharon A. Ceresnie, hereby certifies that a copy of CONSENTED MOTION FOR 60-DAY EXTENSION OF DISCOVERY AND TRIAL DATES has been served upon:

MARK D. GIARRATANA, ESQ.
MCCARTER & ENGLISH, LLP
185 ASYLUM STREET, CITYPLACE I
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via First Class Mail, on August 7, 2008.

/s/ Sharon A. Ceresnie